

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FEDERICO MARTINEZ CARDENAS, )  
Petitioner, ) CASE NO. C13-0020-RSM-MAT  
v. )  
JANET NAPOLITANO, *et al.*, ) REPORT AND RECOMMENDATION  
Respondents. )

On January 4, 2013, petitioner, through counsel, submitted to the Court for filing a petition for writ of habeas corpus under 28 U.S.C. § 2241 together with a motion for temporary restraining order and preliminary injunction. Petitioner asserts in his petition that he is being unlawfully detained by respondents and he requests that this Court issue an order stating that petitioner is eligible to be released on bond and directing that respondents provide him an individualized bond hearing before an immigration judge to establish his conditions of release. Petitioner requests, in the alternative, that the Court order that he be immediately released from custody, either without bond or with bond in an amount determined by this Court. Petitioner,

01 by way of his motion for temporary restraining order, seeks expedited review of the claims  
02 asserted in his federal habeas petition.

03 Rule 65(b)(1) of the Federal Rules of Civil Procedure permits a court to issue a  
04 temporary restraining order, without notice to the adverse party, only if “specific facts in an  
05 affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or  
06 damage will result to the movant before the adverse party may be heard in opposition.”  
07 Petitioner fails to meet this standard. Accordingly, this Court recommends that petitioner’s  
08 motion for temporary restraining order be denied.<sup>1</sup> A proposed order accompanies this Report  
09 and Recommendation.

10 DATED this 4th day of January, 2013.

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13 Mary Alice Theiler  
United States Magistrate Judge  
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1 A briefing schedule for petitioner’s motion for preliminary injunction will be established by separate order.